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6-10-57

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 05-0033
)	
Ronald Armitage and)	
Arbuckle & Ozarks Development)	
Company, d/b/a Exotic)	
Animal Paradise,)	
)	
Respondents)	Consent Decision
)	and Order

This proceeding was instituted under the Animal Welfare Act (AWA), as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), alleging that the respondents willfully violated the AWA and the regulations and standards issued pursuant to the AWA (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations as set forth herein and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Ronald Armitage is an individual whose mailing address is 124 Jungle Drive, Strafford, Missouri 65757 Respondent Arbuckle & Ozarks Development Company, d/b/a Exotic Animal Paradise is a Oklahoma corporation and has the same address.

2. At all times material herein, the respondents were licensed and operating as an

exhibitor as defined in the AWA and the regulations, and the actions of respondent Arbuckle & Ozarks Development Company, d/b/a Exotic Animal Paradise were directed, managed, and controlled by respondent Ronald Armitage as president.

3. On August 29, 2001, a consent decision was issued in AWA Docket No. 01-0040 requiring respondents to cease and desist from certain practices and also requiring respondents to expend funds on facility improvements. This order has been in full force and effect since issuance.

Conclusions

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall not violate the AWA and the regulations and standards issued thereunder, and in particular, shall not:

(a) Fail to establish and maintain a program of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and failing to provide veterinary care to animals in need of care;

(b) Fail to construct and maintain housing facilities for animals so that they are structurally sound and in good repair in order to protect the animals from injury;

(c) Fail to store supplies of food and bedding so as to adequately protect them against contamination;

(d) Fail to provide for the regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals,

in a manner that minimizes contamination and disease risks;

(e) Fail to construct and maintain housing facilities for animals so that sufficient lighting is provided;

(f) Fail to provide animals with food of sufficient quantity and nutritive value to meet their normal daily requirements;

(g) Fail to keep food and water receptacles clean and sanitized;

(h) Fail to provide animals with adequate potable water;

(I) Fail to maintain primary enclosures for animals in a clean and sanitary condition;

(j) Fail to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter, and to control weeds, grasses and bushes; and

(k) Fail to utilize a sufficient number of trained employees to maintain the prescribed level of husbandry practices.

2. Respondents are jointly and severally assessed a civil penalty of \$25,000, which is hereby suspended provided that the respondents are not found, after notice and opportunity for a hearing, to have violated the AWA or the regulations and standards or this order for a period of five years from the effective date of this order.

3. Respondents' AWA license is suspended for two years beginning on November 1, 2006.

4. Respondents' business site shall be closed on or before November 1, 2006, and shall remain closed for two years from such date.

5. Respondents shall sell or donate all AWA regulated animals by November 1, 2006.

All AWA regulated animals shall be sold or donated to USDA licensees in good standing or to sanctuaries approved by APHIS.

The provisions of this order shall become effective on the first day after service of this decision on the respondents.

Copies of this decision shall be served upon the parties.



Ronald Armitage
Respondent, for himself and
as President of respondent
Arbuckle & Ozarks Development Company
d/b/a Exotic Animal Paradise



Lee E. Poppen
Attorney for Respondents



Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 30th day of January, 2006



PETER M. DAVENPORT
Administrative Law Judge